

JUL 16 2025

## GENERAL ORDINANCE 3, 2025

## AS AMENDED

CITY CLERK

AN ORDINANCE AMENDING THE *TERRE HAUTE CITY CODE* CHAPTER 7, ARTICLE 6, PROPERTY MAINTENANCE CODE.

WHEREAS, I.C. § 36-8-2-4 authorizes the City of Terre Haute to regulate the conduct, use or possession of property which might endanger health, public safety, or the welfare of its citizens; and

WHEREAS, I.C. § 36-8-2-9 authorizes the City of Terre Haute to regulate public gatherings to ensure the health, safety, and welfare of its citizens; and

WHEREAS, in order to protect the public health, safety, and welfare of its citizens, it is essential that provisions be implemented to regulate certain public activities or events that may occur within the corporate limits; and

THEREFORE, BE IT ORDAINED by the Common Council for the City of Terre Haute, Indiana as follows:

**SECTION 1.** *Terre Haute City Code* Chapter 7, is hereby amended by the insertion of the text as follows:

**ARTICLE 6. PROPERTY MAINTENANCE CODE.**

**Sec. 7-160 Title.**

This ordinance, and all ordinances supplemental or amendatory hereto, shall be known as the "City Code of the City of Terre Haute, Indiana", and may be cited as such, and will be referred to herein as "this Code."

**Sec. 7-161 Definitions.**

Unless otherwise expressly stated, the following terms shall, for purposes of this Maintenance Code, have the meanings shown in this Section.

**Terms defined in other codes.** Where terms are not defined in this Maintenance Code and are defined in the Indiana Building Code, Indiana Residential Code, Indiana Fire Code, Indiana Electric Code, Indiana Mechanical Code, Indiana Energy Code, Indiana Accessibility Code, Indiana Plumbing Code, and/or Indiana Swimming Pool Code, such terms shall have the meanings ascribed to them in those codes, unless a term is alternatively defined by the rules of the Fire Prevention and Building Safety Commission, in which case the definition of the Fire Prevention and Building Safety Commission shall apply.

**Parts.** Whenever the words Accessory Structure, Building, Dwelling Unit, Premises, Hotel, and/or Structure are stated in this Maintenance Code, they shall be construed as though they were followed by the words "or any part thereof".

**General Definitions.** For purposes of this Property Maintenance Code, the following definitions shall apply:

- a. **Accessory structure.** A Building, Structure, or part of a Building which is secondary or subordinate in capacity or use from the main or principal Building or Structure on the same Premises.
- b. **Approved.** Approved by the Building Inspector.
- c. **Basement.** That portion of a Building which is partly or completely below grade.
- d. **Building.** A Structure having a roof supported by columns or walls, for the shelter, support, enclosure or protection of Persons, animals, chattels, or property. When separated by firewalls, each portion of such a Building shall be considered a separate Structure.
- e. **Authorized enforcement agency.** Any official who is charged with the administration and enforcement of this Code, or any of his or her duly authorized representatives, including, but not limited to, City of Terre Haute Building Inspector or their designees, and authorized members of the Terre Haute Police, Fire, Code Enforcement, or Storm Water Departments.
- f. **Dumpster.** A large metal bin for Trash, Refuse, and/or Rubbish designed to be hoisted onto a specially equipped truck for emptying or hauling away. This term shall not include standard size Trash cans designed for use on residential properties.
- g. **Dwelling unit.** A single unit providing complete, independent living facilities for one or more Persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.
- h. **Emergency or safety concern.** The presence of a condition, regardless of cause, which poses an immediate risk of injury or death if not promptly abated or remedied. This includes, but is not limited to, the presence of obstructions in rights-of-way, sidewalks, or streets; unsecured attractive Nuisances such as Abandoned Vehicles or appliances; and other extremely Hazardous Conditions.
- i. **Exterior property.** The open space on the Premises and on adjoining property under the control of Owners or Operators of such Premises.
- j. **Firewood.** Shall mean split wood or un-split wood logs cut into lengths not exceeding three feet (3') for the purpose of burning in a fireplace, heat source, or as a recreational fire on the property.
- k. **Hazardous condition.** Any condition likely to cause injury to any Person. It shall not mean a temporary condition caused by weather such as rain, snow, or ice.
- l. **Hotel.** Any Building containing six or more guestrooms, intended or designed to be occupied, or which are rented or hired, for sleeping purposes by guests.



- m. **Imminent danger.** A condition which poses an immediate risk of serious or life-threatening injury or death if not promptly abated or remedied.
- n. **Improvement.** Existing or proposed surface or subsurface Improvements including, but not limited to: public drainage systems, private drainage systems, permanent or temporary Buildings/Structures, drives, walks, patios, irrigation systems, fences, landscaping, vegetation, decorative items, playgrounds, air conditioning units, gutters, decks, parts of permanent or temporary Structures, roof overhangs, pools, permanent or temporary erosion control measures, permanent or temporary sediment control measures, permanent or temporary storm water quality measures or best management practices, or other items determined by the City to be an Improvement.
- o. **Occupancy.** The purpose for which a Building or portion thereof is utilized or occupied.
- p. **Occupant.** Any individual living or sleeping in a Building, or having possession of a space within a Building.
- q. **Operator.** Any Person who has charge, care, or control of a Structure or Premises which is let or offered for Occupancy.
- r. **Owner.** Any Person, agent, Operator, firm or corporation having a legal or equitable interest in the property; or recorded in the office of the Vigo County Recorder holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such Person, and the executor or administrator of the estate of such Person if ordered to take possession of real property by a court.
- s. **Person.** An individual, corporation, partnership, or any other group acting as a unit.
- t. **Pest.** An injurious or destructive insect, animal, rodent, reptile, or invasive species of plant which poses a substantial risk to human, domestic animal, or native plant species health and welfare.
- u. **Plumbing.** Shall mean and include all the following supplied facilities and equipment: gas pipes, gas burning equipment, water pipes, Garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents, and other similar supplied fixtures, and the installation thereof, together with all connections to water, sewer, or gas lines.
- v. **Premises.** A lot, plot, or parcel of land, or groups of lots, plots, or parcels of land, whether residential, commercial, or industrial, including any Structures thereon or for which Improvements are to be installed and/or benefit from the existence of these Improvements.
- w. **Responsible party.** Person, agent, Operator, firm, corporation, or federal, state, or local governmental agency having responsibility for maintenance of Improvements located on the Premises, rights-of-way, or easements. Said party shall be the Owner unless responsibility for such maintenance is provided in other Codes, restrictive covenants, or is legally established to be the responsibility of another Person, agent, Operator, firm, corporation, or federal, state, or local governmental agency. In some cases, more than one Person, agent, Operator, firm, corporation, or federal, state, or local

governmental agency may be concurrently classified as a Responsible Party. For violations existing on property for which more than one Responsible Party exists, any liability imposed shall be joint and several between all Responsible Parties.

- x. **Storage unit.** Temporary (or portable) Storage Units (also known as PODS, portable on-demand storage Structures) shall mean any container, shipping container, Storage Unit, shed-like container or other Structure, or assembly of materials without a permanent foundation which is so designed, constructed or reconstructed to make it portable and capable of storage of personal property of any kind, building materials (before they are utilized for building purposes), household goods, personal items and other materials; and not designed, constructed, or reconstructed for Occupancy by Persons.
- y. **Strict liability offense.** An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited or failed to do an act which the defendant was legally required to do.
- z. **Structure.** Anything constructed or installed, the use of which requires a location on a parcel of land. It includes a moveable Structure, which is located on land, which can be used for housing, commercial, business, and agricultural or office purposes, either temporarily or permanently. The term also includes recreational vehicles to be installed on a site for more than 180 days.
- aa. **Tenant.** A Person, corporation, partnership, or group, whether or not the legal Owner of record, occupying a Building or portion thereof as a unit.
- bb. **Unsafe structure.** A Structure that is found in whole or in part to be occupied by more Persons than permitted under this Code, or was erected, altered, or occupied contrary to law.
- cc. **Vacant structure.** A Structure, which is not occupied and devoid of any indicia of Occupancy.
- dd. **Workmanlike.** Executed in a skilled manner and in accordance with accepted practice; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

## **Sec. 7-162      Purpose**

This Code shall be construed to secure its expressed intent, which is to protect, preserve, and promote the physical and mental health and social well-being of the people, to prevent and control the incidence of communicable diseases, to reduce environmental hazards to health, to regulate privately and publicly owned Buildings, Structures or Improvements for the purpose of maintaining adequate sanitation and public health, and to protect the safety of the people and to promote the general welfare. It is further declared that the purpose of this Code is to eliminate blight, to ensure maintenance of property, and to thereby ensure public health, safety and welfare insofar as they are affected by the continued Occupancy and maintenance of Structures and Premises. Existing Structures, Improvements and Premises that do not comply with these



provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

#### **Sec. 7-163      Scope**

The provisions of this Code shall uniformly apply to all existing residential and nonresidential Structures and all existing Premises and existing or proposed Improvements on existing Premises and constitute minimum requirements and standards for Premises, Structures, sanitation, protection from the elements, safety from other hazards, and for safe and sanitary installation and maintenance of Improvements; the responsibility of Owners, Operators and Occupants for their properties; and for administration, enforcement, and penalties irrespective of when or under what code or codes such Buildings were originally constructed or rehabilitated except for the rules of the Fire Prevention and Building Safety Commission.

#### **Sec. 7-164      General Requirements.**

The provisions of this chapter shall govern the minimum conditions and the responsibilities of Persons for maintenance of Structures, equipment and Exterior Property, and the installation of Improvements on the Premises.

- a. Any proposed Improvements or maintenance thereto shall be designed, permitted, installed, and maintained in accordance with the provisions of this code and the current City of Terre Haute standards that govern the work associated with the installation or maintenance of such Improvements that may be amended from time to time.
- b. Responsibility. The Owner of the Premises shall maintain the Structures and exterior Premises in compliance with these requirements, except as otherwise provided for in this Code. A Person shall not occupy as Owner/Occupant or permit another Person to occupy Premises which are not in a sanitary and safe condition and which do not comply with the requirements of this Code. Occupants of a Dwelling Unit are responsible for keeping in a clean, sanitary, and safe condition that part of the Dwelling Unit or Premises, which they occupy and control.
- c. Permit Responsibility. The Owner of the Premises shall be responsible to ensure the necessary Improvement permits as required by City of Terre Haute City Code Chapter 7, including but not limited to electrical, Plumbing, heating and cooling, structural or life safety requirements and drainage or other Improvements on the Premises.
- d. Existing Improvements determined to be in violation of this code or determined to be non-conforming to the current City standards shall be remedied under the provisions of this code by the Owner or Responsible Party.
- e. Vacant Structures and Land. All Vacant Structures and Premises thereof or vacant land shall be maintained in a clean, safe, secure, healthful, and sanitary condition as provided herein so as not to cause a blighting problem, negatively impact neighboring properties' value and/or marketability, or adversely affect the public health and safety or violate the provisions of this Code.

## **Sec. 7-165 Minimum Property Maintenance Standards for Structures and Buildings.**

Building rules of the state fire prevention and building safety commission as set out in the following articles of Title 675 of the *Indiana Administrative Code* are hereby incorporated by reference in this Chapter and shall include later amendments to those articles as the same are published in the *Indiana Register* or the *Indiana Administrative Code* with effective dates as fixed under Sec. 7-6 of City of Terre Haute City Code including but not limited to 2018 International Property Maintenance Code (IPMC).

## **Sec. 7-166 Workmanship.**

Repairs, maintenance work, alterations, or installations which are caused directly or indirectly by the enforcement of this Code shall be executed and installed in a Workmanlike manner and installed in accordance with the manufacturer's installation instructions.

## **Sec. 7-167 Exterior Property Areas.**

- a. *Sanitation.* All Exterior Property and Premises shall be maintained in a clean, safe, and sanitary condition. The Owner or Occupant shall keep that part of the Exterior Property, which such Occupant occupies or controls in a clean and sanitary condition.
- b. *Stairs.* Stairs and similar areas shall be kept in a proper state of repair and maintained free of Hazardous Conditions.
- c. *Exhaust Vents.* Pipes, chimneys, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors, or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another Tenant.
- d. *Accessory Structures.* All Accessory Structures on Premises shall be in good condition and in compliance with the requirements of this Code and Chapter 7.
- e. *Swimming Pools, Spas, and Hot Tubs.* Swimming pools, spas, and hot tubs shall be maintained in a clean and sanitary condition. Garbage, leaves, and Rubbish shall not be allowed to accumulate in swimming pools, spas, and hot tubs.
- f. *Temporary Storage Units.* Storage Units shall be permitted on non-residential lots provided that they are in compliance with the Accessory Structure setback regulations contained in the City of Terre Haute zoning regulations located in Chapter 10. Temporary Storage Units shall not be permitted on residential properties in excess of sixty (60) consecutive days. Temporary Storage Units on residential properties shall not be permitted in public rights-of-way or on public streets and shall not be located on lawns. Temporary Storage Units on corner lots shall not interfere with line of sight. Property Owners may apply to the Board of Public Works and Safety for a waiver from the requirements of this subsection which it may grant in its sole discretion based upon its analysis of the public interest.
- g. *Defacement of Property.* No Person shall willfully or wantonly damage, mutilate, or deface any exterior surface of any Structure or Building on any private or public property by placing thereon any marking, carving, or graffiti. It shall be the responsibility of the Owner to restore said surface to a state of maintenance and repair within fifteen (15) days.



h. *Hazardous Trees.* The following regulations shall apply to all properties within the corporate limits of the City of Terre Haute.

1. Dead, dying, damaged, or diseased trees shall be prohibited to exist or be maintained on any Premises, which are hazardous to Persons on adjacent property or to adjacent property. The property owner is solely responsible for removal of any tree that poses a hazard designated by Authorized Enforcement Agency. If the hazardous tree identified has a base diameter of twenty-four inches (24") and/or is taller than twenty-five feet (25') in height from the finish grade, the hazardous tree must be removed by a licensed tree contractor with the City of Terre Haute, and required to get a permit through City's online portal.
2. Tree stumps greater than twelve inches (12") in height above ground level shall not be permitted or maintained on any Premises for more than thirty (30) days after the tree has been cut.
3. Fallen trees, removed tree limbs, or other portions of any tree shall not be permitted or maintained on the ground on any Premises for more than thirty (30) days.

i. *Firewood Storage.* Firewood must be stored in a neat and orderly stack, not exceeding a height of four to five feet (4-5') and should not be stored in the front yard or within five feet (5') from any Dwelling Unit; (maximum of 2 cords not enclosed by a structure, defined as 128 cubic feet per cord)

1. Unless screened by a fence or wall, stacks shall be no closer than five feet (5') to the property line.
2. The firewood stacks shall not be allowed to become infested with Pests.

#### **Sec. 7-168 Exterior Structure.**

a. *General.* The exterior of a Structure shall be maintained in good repair, structurally sound, and sanitary so as not to pose a threat to the public health, safety, or welfare.

b. *Protective treatment.* All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks, and fences shall be maintained in good condition. Exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the Building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

c. *Structural Members.* All structural members shall be maintained free from deterioration and shall be capable of safely supporting the imposed dead and live loads.

d. *Foundation walls and Retaining walls.* All foundation walls and retaining wall shall be maintained plumb and free from open cracks and breaks and capable of supporting the imposed

loads. Foundation walls shall be kept in such condition so as to prevent the entry of Pests. Mortar joints shall be maintained.

e. *Exterior walls.* All exterior walls shall be free from holes, breaks, and loose or rotting materials and maintained weatherproof and properly surface-coated where required to prevent deterioration.

f. *Roofs and drainage.* The roof and flashing shall be sound, tight, and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the Structure. Roof drains, gutters, and down spouts shall be maintained in good repair and free from obstructions. Inappropriate or temporary roofing coverings, including but not limited to tarps, shall be deemed inadequate protection and not uniform and as such, shall be prohibited for a period exceeding thirty (30) consecutive days.

g. *Overhang extensions.* All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, stand pipes, and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather coating materials, such as paint or similar surface treatment.

h. *Stairways, decks, porches, and balconies.* Every exterior stairway, deck, porch, and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage, and capable of supporting the designed loads.

i. *Chimneys and towers.* All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather coating materials, such as paint or similar surface treatment.

j. *Handrails and guards.* Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

k. *Windows, skylights, and doors.* Every window, skylight, and door shall be kept in sound condition, weather tight, and in good repair. All glazing materials shall be maintained free from cracks and holes. Every window, other than a fixed window, shall be easily openable and capable of being locked and held in position by window hardware. No special tools or knowledge shall be required to open a window. If it is necessary to attach boards over broken or damaged windows, such boards shall not be permitted after thirty (30) consecutive days. Exterior doors, door assemblies, and hardware shall be maintained in good condition.

l. *Fences.* Fences shall be maintained in good repair and condition, constructed of durable and uniform materials, and be properly treated for the elements.

m. *Basement windows.* Every Basement window that is openable shall be supplied with Pest shields, storm windows, or other Approved protection against the entry of Pests.

n. *Guards for area wells.* Guardrails or covers shall be required for area wells deeper than thirty inches (30") and located within ten feet (10') of the corner of a Building.

o. *Basement hatchways.* Every Basement hatchway shall be maintained to prevent the entrance of Pests, rain, and surface drainage water and be capable of supporting normally imposed loads.



**Sec. 7-169      Maintenance of Commercial Properties.**

a.      Maintenance of Commercial Properties.

1. All commercial or non-residential properties shall comply with the provisions of this Article in the same manner as residential properties unless an individual provision specifically states otherwise.
2. For commercial, industrial, or other non-residential property uses adjacent to residential properties, or a property owned or occupied by a school, daycare, governmental body, or house of worship, appropriate fencing, screens, or barriers shall be erected and maintained to ensure that the use does not present a safety hazard to surrounding properties.
3. For commercial or non-residential properties, the "Responsible Party" as defined in this Article shall include any Person operating on the Premises, regardless as to whether said Person is the recorded Owner of the Premises.

**Sec. 7-170      When Building Permits Required; Enforcement**

Except for construction activity specified in subsections b., c., and d. of Sec. 7-30, it shall be unlawful for a person, partnership, or corporation to engage in any construction activity in the City, including excavation or any other site work, unless a written building permit issued by the Department of Engineering describing the activity has been obtained by and is in force relative to the person, partnership, or corporation which is actually accomplishing, supervising accomplishment, or is contractually responsible for accomplishment of the construction activity allowed by the building permit.

**Sec. 7-171      General Authority**

To Make Investigations and Inspections. The Department of Engineering may at any reasonable time go in, upon, around, or about the premises where any structure or building equipment subject to the provisions of this Chapter or to the rules of the Fire Prevention and Building Safety Commission is located (irrespective of whether a building permit has been or is required to be obtained) for the purpose of investigation and inspection of such structure or building equipment. Such investigation and inspection may be made either before or after construction activity on the project is completed and it may be made for the purposes, among others, of determining whether the structure or building equipment meets building standards and procedures, and ascertaining whether the activity and procedures have been accomplished in conformance with the requirements of this Code. Reasonable efforts to afford an opportunity for investigation and inspection of the structure or building equipment by the Department of Engineering shall be made by persons working on or having control of the activity. However, nothing in this Section shall be construed to require the administrator to make inspections and investigations.

1. General. The Authorized Enforcement Agency shall enforce the provisions of this code.

2. Inspections. Property maintenance inspections as required by this code shall be the responsibility of the City and other such Persons as shall be designated by the City, hereinafter referred to as "Authorized Enforcement Agency" under Property Maintenance Code of City of Terre Haute City Code.
3. Right of entry. The Authorized Enforcement Agency, pursuant to this code, may make inspections of all Buildings, Structures, and Premises located within the City's corporate limits to determine their compliance with the provisions of this code. All inspections shall be subject to the following standards and conditions:
  - i. An inspection of an interior of a Structure may take place if a complaint has been received by the City and such complaint, in the opinion of the Authorized Enforcement Agency, provides reasonable grounds for the belief that a violation exists, or if such inspection is undertaken as part of a regular inspection program whereby certain areas of the City are being inspected in their entirety at the direction of the Department of Engineering.
  - ii. The Authorized Enforcement Agency shall furnish to the Owner, Tenant, or Occupant of the Building, Structure, or Premises sought to be inspected, sufficient identification and information to enable the Owner, Tenant, or Occupant to determine the purpose of the inspection, and that the Person is a representative of the City.
  - iii. ~~The Authorized Enforcement Agency may apply to any court of competent jurisdiction for a search warrant or other legal process for the purpose of securing entry to any Premises if the Owner, Tenant, or Occupant shall refuse to grant entry and shall request a City of Terre Haute Police Officer to accompany him/her to the Premises.~~ The Director of Municipal Code Enforcement is authorized to enter the structure or premises at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the Director of Municipal Code Enforcement is authorized to pursue recourse as provided by law, including but not limited obtaining a search warrant.
  - iv. Approval of modifications. Whenever there are practical difficulties involved in carrying out the provisions of this code, the Authorized Enforcement Agency shall have the authority, upon approval of the Department of Engineering, to grant modifications for individual cases, provided the Authorized Enforcement Agency shall first find that the practical difficulty makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements or modify the rules of the Fire Prevention and Building Safety Commission. The details of action granting modification shall be recorded and entered in the department files.



- a. Notice of violation. Whenever the Authorized Enforcement Agency determines that a violation of this Property Maintenance Code exists, said violations may require a permit under Sec. 7-30 in the City of Terre Haute City Code.
- b. If a permit is required under Sec. 7-30 the person/Contractor must follow Chapter 7 of the City of Terre Haute City Code.
- c. The City may direct the Owner or Responsible Party to restore all Improvements to standards/codes under this Code. Violations shall be remedied to the satisfaction of the City.
- d. In the event that the Owner or Responsible Party fails to remedy the violation within the time frame stipulated in the notice, the Owner/Responsible Party may be fined under Chapter 7.
- e. Emergency or Safety Concerns. When an Authorized Enforcement Agency finds that a condition existing on a property qualifies as an Imminent Danger and/or an Emergency or Safety Concern, the Authorized Enforcement Agency shall inform Owner/ Responsible Party indicating such a finding and allowing a period of time of not less than twenty-four (24) hours to abate the Nuisance. If not remedied within the timeframe given, the property may be condemned in Accordance with Chapter 7 Article 4 of the City Code.
- f. Violation Penalties. In addition to any injunctive relief which may be sought, any Person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be fined on the first offense of a violation of this code, a minimum fine of Fifty Dollars (\$50.00). Each day that a violation continues after due notice has been served shall be deemed a separate offense subject to a daily fine of Fifty Dollars (\$50.00) per day, not to exceed Twenty-Five Hundred Dollars (\$2,500.00), deposited into the Engineering Non Reverting account.
- g. Repeat offenses. Any Person who is found to have committed a separate offense of this code after having been found to commit an earlier offense no sooner than thirty (30) days but within a two (2)-year period shall be assessed a fine of One Hundred Dollars (\$100) per day. The City Controller shall cause any fees collected under this Section to be deposited into the Engineering Non Reverting account.

#### **Sec. 7- 173     General Penalty.**

In addition to injunctive relief, any person, partnership, or corporation that violates any provision of this Chapter, or any building standard or procedure, or commits any act prohibited herein, or fails to perform any duty lawfully enjoined, within the time prescribed by the Department of Engineering, or fails, neglects, or refuses to obey any lawful order given by the Department of Engineering in connection with the provisions of this Chapter, may be subject to a fine in any sum not exceeding Twenty-Five Hundred Dollars (\$2,500.00) for each such violation, failure, or refusal. Each day of such unlawful activity as is prohibited by the first sentence of this Section shall constitute a separate offense. Actions seeking penalties for violation of this Chapter may be brought in any court which has jurisdiction pursuant to Indiana law. This penalty shall in no way limit the operation of special penalties for specific provisions of this Chapter, nor shall

such special penalties in any way limit the operation of this general penalty. The City Controller shall cause any fees collected under this Section to be deposited into the Engineering Non Reverting account.

Whenever any work is being done contrary to the provisions of this Code, the Department of Engineering may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the Department of Engineering to proceed with the work.

**Sec. 7-174 Right of Appeal.**

All persons shall have the right to appeal the Department of Engineering's decision first through the Board of Public Works and Safety and then to the Fire Prevention and Building Safety Commission of Indiana in accordance with the provisions of *I.C.* § 22-13-2-7 and *I.C.* § 4-21.53-7.

**SECTION 2.** The illegality or invalidity, for any reason, of any of the sections of this ordinance, or parts thereof, shall invalidate only such section or sections as are so determined to be illegal or invalid, any such invalidity shall have no effect on the remaining sections of this ordinance.

**SECTION 3.** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**SECTION 4.** This ordinance shall be in full force and effect from and after the date of its passage by the Common Council of Terre Haute, Indiana and approval of the Mayor and upon publication as required by law.

Introduced by: \_\_\_\_\_ Todd Nation, Councilperson

Passed in open Council this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_ Todd Nation, President

ATTEST: \_\_\_\_\_ Michelle L. Edwards, City Clerk

Presented by me to the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2025

at \_\_\_\_\_ o'clock.

\_\_\_\_\_ Michelle L. Edwards, City Clerk

Approved by me, the Mayor, this \_\_\_\_\_ day of \_\_\_\_\_, 2025.



\_\_\_\_\_ Brandon C. Sakbun, Mayor

ATTEST: \_\_\_\_\_ Michelle L. Edwards, City Clerk